

REMARKS/ARGUMENTS

Claims 1, 4-11 and 13-33 are pending in the application. The Examiner has rejected claims 1, 4-11, 13-20, 26 and 27. The Examiner has objected to claims 21-25 and 28-33. Applicant respectfully requests reconsideration of claims 1, 4-11 and 13-33.

In the Examiner's Response to Arguments, the Examiner accuses Applicant of taking "the tactic of disparaging the Examiner." Applicant respectfully disagrees. Applicant submits it has never been Applicant's intent to "disparage" the Examiner. Applicant submitted arguments toward overcoming the new rejections based on objective criteria (e.g., MPEP). While the Examiner alleges Applicant's arguments fail to comply with 37 CFR 1.111(b), stating that they amount to a general allegation that the claims define a patentable invention with specifically pointing out how the language of the claims patentably distinguishes them from the references, Applicant notes the Examiner purports to bring non-art rejections under 35 U.S.C. § 112, for which "specifically pointing out how the language of the claims patentably distinguishes them from the references" would be inapplicable. Thus, Applicant submits compliance with 37 CFR 1.111(b) is moot with respect to such non-art rejections.

The Examiner alleges "...with regard to Applicant's latest amendment to the claim 1 on November 19, 2007, Applicant introduced 'the second service interface operatively coupled to the plurality of transport interface' in lines 13 where there is already 'a plurality of transport interface operatively coupled to the [first] service interface' in line 6." The Examiner states, "It follows that Examiner reviews the enlarged scope of the claim involving a first and second service interfaces and found that the amendment is non-enabling because the structural connection between the first and second service interfaces [within a first and second nodes respectively] is missing." However, Applicant submits Applicant's amendment of claim 1 was based on subject matter previously present in now-canceled claim 3. Applicant notes no rejection under 35 U.S.C. § 112, first paragraph, was made against claim 3 during examination prior to its cancellation.

The Examiner states, "With regard to claims 1 and 10, Examiner is not attempting to read any limitations in the claim." Applicant notes the Examiner stated, "However, neither Fig. 1 nor the Specification discloses the same set of the plurality of transport interfaces shared by the service interface and the second service interface." However, as the Examiner noted, "claim 1 recites '...a plurality of transport interfaces operatively coupled to the service interface...the second service

interface operatively coupled to the plurality of transport interfaces...." Applicant does not see the "...shared by..." limitation of the Examiner's characterization recited in claim 1. Hence, Applicant respectfully requests the Examiner refrain from rejecting claim 1 based on a purported lack of disclosure of a "shared by" limitation not recited in claim 1.

The Examiner states, "With regard to claims 19-33, new art was introduced for rejection of independent claims 19 and 26." The Examiner concludes, "Thus, the indicated allowability could be withdrawn." Applicant submitted argument, citing MPEP § 706.04. Applicant submits MPEP § 706.04 doesn't appear to establish that "new art" is sufficient to render rejection of previously allowed claims proper. Rather, as Applicant noted, MPEP § 706.04 recites the judicially recognized "great care" standard, and Applicant did not see evidence of adherence to such standard in the purported rejection of previously allowed claims in the present application.

While the Examiner states, "Applicant's arguments do not comply with 37 CFR 1.111(c)...," Applicant notes 37 CFR 1.111(c) states as follows:

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

Applicant notes claims 19 and 26, to which the Examiner's new rejection applies, remain in their original forms. Thus, Applicant submits the condition of 37 CFR 1.111(c) "In amending in reply to a rejection of claims in an application or patent under reexamination,..." has not been met. Therefore, Applicant submits compliance with 37 CFR 1.111(c) is moot with respect to such claims.

The Examiner has rejected claims 1, 4-11 and 13-18 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicant respectfully disagrees.

Regarding claim 1, Applicant submits a plurality of transport interfaces are disclosed in the specification and illustrated in the drawings, for example, transport interfaces 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, and 328 of Fig. 3 and page 16, lines 7-15, of the specification. Applicant submits a service interface and a second service interface are disclosed in the specification and illustrated in the drawings, for example, service interfaces 301 and 302 of Fig. 3 and page 16, lines 7-15, of the specification. Therefore, Applicant submits claim 1 is in condition for allowance.

Regarding claim 10, as the Examiner notes, Applicant also notes claim 10 recites "receiving the data packets at a service interface...routing the data packets to transport interfaces...receiving at a second service interface the data packets from the transport interfaces." Applicant submits the subject matter of claim 10 is described in the specification and illustrated in the drawings. For example, Applicant submits at least one embodiment of the subject matter of claim 10 is illustrated in steps 702, 703, 704, and 706 of Fig. 7 and described in page 22, line 14, to page 23, line 2, of the specification. As additional support for at least one embodiment, Applicant submits a service interface is disclosed in the specification and illustrated in the drawings, for example, service interface 301 of Figure 3 and page 16, lines 7-15, of the specification. Applicant submits transport interfaces are described in the specification and illustrated in the drawings, for example, transport interfaces 311, 312, 313, 314, 315, 316, 317, 318, and 319 of Fig. 3 and page 16, lines 7-15, of the specification. Applicant submits a second service interface is described in the specification and illustrated in the drawings, for example, service interface 335 of Fig. 3 and page 16, lines 7-15, of the specification. Applicant submits relationships between such elements, in accordance with at least one embodiment, are described on page 16, lines 17-23, of the specification and illustrated in Fig. 3. Therefore, Applicant submits claim 10 is in condition for allowance.

The Examiner has rejected claims 1, 4-9 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant respectfully disagrees.

Regarding claim 1, the Examiner states, "it is unclear how/why 'a differentiated service profile [is] associated with the service interface' in lines 5 but 'a second differentiated service profile [is] operatively coupled to the second service interface' in lines 12-13, or whether there is a difference between 'associated' and 'operatively coupled.'" As Applicant previously stated, Applicant submits claim 1 is entitled to its broadest reasonable interpretation as per MPEP § 2111. Applicant also reiterates that now-canceled claim 3, upon which the amendment to claim 1 was based, was never purported to be indefinite. Thus, Applicant submits now-canceled claim 3 particularly pointed out and distinctly claimed subject matter with definiteness that allowed the Examiner to substantively examine such subject matter and find now-canceled claim 3 to be allowed had it been amended to include the subject matter of its base claim and any intervening claims. Therefore, Applicant submits claim 1 is in condition for allowance.

Regarding claim 5, the Examiner states, "it is unclear whether 'the differentiated service profile' in line 3 is the second differentiated service profile because claim 5 recites 'the second service interface' in line 1 and the second service interface is associated with the second differentiated service profile, not 'the differentiated service profile.'" Applicant submits antecedent basis for "the differentiated service profile" in line 3 of claim 5 is found in line 5 of claim 1, from which claim 5 indirectly depends. Therefore, Applicant submits claim 5 is in condition for allowance.

The Examiner has rejected claims 19, 20 and 26, 27 under 35 U.S.C. §102(e) as allegedly being anticipated by Kuykendall, Jr. (US Publication No. US 2002/0181044). Applicant respectfully disagrees.

Regarding claims 19 and 26, Applicant submits the cited portions of the cited reference fail to disclose or suggest the subject matter of claims 19 and 26. Applicant has presented arguments above in reply to the Examiner's Response to Arguments as to why Applicant considers the Examiner's allegations of noncompliance with 37 CFR 1.111(c) to be moot. As the Examiner's only apparent response to Applicant's previously submitted arguments in the Examiner's Response to Arguments were those allegations of noncompliance with 37 CFR 1.111(c), Applicant respectfully requests the Examiner reconsider Applicant's previously submitted arguments and reiterates such arguments. Therefore, Applicant submits claims 19 and 26 are in condition for allowance.

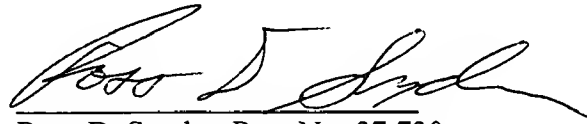
Regarding claims 20 and 27, Applicant submits the cited portions of the cited reference fail to disclose or suggest the subject matter of claims 20 and 27. In the Examiner's Response to Arguments, the Examiner alleges noncompliance with 37 CFR 1.111(c) with respect to Applicant's previously submitted arguments. As with claims 19 and 26, Applicant notes claims 20 and 27 remain in their original form. Thus, Applicant submits the condition of 37 CFR 1.111(c) "In amending in reply to a rejection of claims in an application or patent under reexamination,..." has not been met. Therefore, Applicant submits compliance with 37 CFR 1.111(c) is moot with respect to such claims. As the Examiner's only apparent response to Applicant's previously submitted arguments in the Examiner's Response to Arguments were the Examiner's allegations of noncompliance with 37 CFR 1.111(c), Applicant respectfully requests the Examiner reconsider Applicant's previously submitted arguments and reiterates such arguments. Therefore, Applicant submits claims 20 and 27 are in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

Date

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